

1 I. Scott Bogatz  
Nevada Bar No. 3367  
2 Kerry E. Kleiman  
Nevada Bar No. 14071  
3 REID RUBINSTEIN & BOGATZ  
Bank of America Plaza  
4 300 South 4th Street, Suite 830  
Las Vegas, NV 89101  
5 Telephone: (702) 776-7000  
Facsimile: (702) 776-7900  
6 sbogatz@rrblf.com  
kkleiman@rrblf.com

7  
8 Bryan A. Merryman (*Pro Hac Vice*)  
Catherine Simonsen (*Pro Hac Vice*)  
WHITE & CASE LLP  
9 555 S. Flower Street, Suite 2700  
Los Angeles, CA 90071-2433  
10 Telephone: (213) 620-7700  
Facsimile: (213) 452-2329  
11 bmerryman@whitecase.com  
catherine.simonsen@whitecase.com

12  
13 Claire DeLelle (*Pro Hac Vice*)  
WHITE & CASE LLP  
701 Thirteenth Street, NW  
14 Washington, DC 20005-3807  
Telephone: (202) 626-3600  
15 Facsimile: (202) 639-9355  
claire.delelle@whitecase.com

16  
17 *Attorneys for Plaintiff*  
*V5 Technologies, LLC, d/b/a Cobalt Data Centers*

18  
19 UNITED STATES DISTRICT COURT  
20 DISTRICT OF NEVADA

21 V5 TECHNOLOGIES, LLC, d/b/a COBALT  
DATA CENTERS,

22 Plaintiff,

23 v.

24 SWITCH, LTD., a Nevada limited company;  
SWITCH BUSINESS SOLUTIONS, LLC, a  
25 Nevada limited liability company; SWITCH  
COMMUNICATIONS GROUP L.L.C., a  
26 Nevada limited liability company; SWITCH,  
INC., a Nevada corporation,

27 Defendants.  
28

Case No. 2:17-cv-02349-KJD-NJK

**PLAINTIFF COBALT'S MOTION  
TO EXCEED PAGE LIMIT OR  
ATTACH DISCOVERY  
REQUESTS AND RESPONSES TO  
FORTHCOMING MOTION TO  
COMPEL**

1 Plaintiff V5 Technologies, LLC, d/b/a/ Cobalt Data Centers' ("Cobalt") intends to file a  
 2 motion to compel further responses and production of documents responsive to Cobalt's first  
 3 requests for production to defendants ("Switch"). As Cobalt will show in its motion to compel,  
 4 all of Switch's responses to Cobalt's requests — which Cobalt served *six months* ago — blatantly  
 5 violate Rule 34 of the Federal Rules of Civil Procedure, and Switch's meager production of  
 6 documents to date is far from complete and wholly non-compliant with the Order Regarding  
 7 Electronically Stored Information the Court entered on December 26, 2017 (ECF No. 49).

8 Cobalt intends for its motion to compel to comply with Local Rule 26-7(b), which  
 9 provides:

10 All motions to compel discovery or for a protective order must set forth in full the  
 11 text of the discovery originally sought and any response to it.

12 Local R. 26-7(b). However, including the full text of all of the requests and responses at issue in  
 13 Cobalt's motion to compel would cause the motion to compel to far exceed the 24-page limit.  
 14 *See* Local R. 7-3(b). There is no way for Cobalt both to comply with Local Rule 26-7(b) and to  
 15 comply with Local Rule 7-3(b)'s page limit requirement.

16 Cobalt therefore respectfully requests the Court grant Cobalt permission either (1) to  
 17 exceed the page limit applicable to its motion to compel by 84 pages — the length of Cobalt's  
 18 requests and Switch's responses — thereby allowing Cobalt to set forth in full, in the motion to  
 19 compel, the text of the requests and responses, or (2) to attach to Cobalt's motion to compel  
 20 Cobalt's requests and Switch's responses, rather than setting them forth in the motion to compel  
 21 itself.

22 Dated: April 13, 2018

By: s/ I. Scott Bogatz

I. Scott Bogatz

Nevada Bar No. 3367

Kerry E. Kleiman

Nevada Bar No. 14071

**REID RUBINSTEIN & BOGATZ**

Bank of America Plaza

300 South 4th Street, Suite 830

Las Vegas, NV 89101

Telephone: (702) 776-7000

Facsimile: (702) 776-7900

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Washington, DC 20005-3807  
Telephone: (202) 626-3600  
Facsimile: (202) 639-9355  
claire.delelle@whitecase.com

Attorneys for Plaintiff  
V5 TECHNOLOGIES, LLC, d/b/a COBALT  
DATA CENTERS

**PROOF OF SERVICE**

I hereby certify that I am employed in Las Vegas, Nevada. I am over the age of 18 and not a party to the within action. My business address is:

REID RUBINSTEIN & BOGATZ  
Bank of America Plaza  
300 South 4th Street, Suite 830  
Las Vegas, NV 89101

On April 13, 2018, I caused the foregoing document(s) to be filed via the Court's CM/ECF system, which will accomplish service on all parties of record through their counsel.

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on April 13, 2018, at Los Angeles, California.

By: s/ I. Scott Bogatz  
I. Scott Bogatz

# Exhibit 1

*Declaration of I. Scott Bogatz, Esq.*

1 I. Scott Bogatz  
Nevada Bar No. 3367  
2 Kerry E. Kleiman  
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3 REID RUBINSTEIN & BOGATZ  
Bank of America Plaza  
4 300 South 4th Street, Suite 830  
Las Vegas, NV 89101  
5 Telephone: (702) 776-7000  
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6 sbogatz@rrblf.com  
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17 *V5 Technologies, LLC, d/b/a Cobalt Data Centers*

18 UNITED STATES DISTRICT COURT

19 DISTRICT OF NEVADA

20 V5 TECHNOLOGIES, LLC, d/b/a COBALT  
21 DATA CENTERS,

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23 v.

24 SWITCH, LTD., a Nevada limited company;  
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26 Nevada limited liability company; SWITCH,  
INC., a Nevada corporation,

27 Defendants.  
28

Case No. 2:17-cv-02349-KJD-  
NJK

**DECLARATION OF I. SCOTT  
BOGATZ IN SUPPORT OF  
COBALT'S MOTION TO  
EXCEED PAGE LIMIT OR  
ATTACH DISCOVERY  
REQUESTS AND RESPONSES TO  
FORTHCOMING MOTION TO  
COMPEL**

1 I, I. Scott Bogatz, declare:

2 1. I am an attorney duly licensed to practice law in the State of Nevada. I am counsel  
3 for plaintiff V5 Technologies, LLC, d/b/a Cobalt Data Centers (“Cobalt”) in this action. I submit  
4 this declaration in support of Cobalt’s motion to exceed page limit or attach discovery requests  
5 and responses to forthcoming motion to compel. I have personal knowledge of the facts stated  
6 herein and could testify competently thereto if called to do so.

7 2. Cobalt intends to file a motion to compel further responses and production of  
8 documents responsive to Cobalt’s first requests for production to defendants (“Switch”).

9 3. Local Rule 26-7(b) requires that “[a]ll motions to compel discovery or for a  
10 protective order must set forth in full the text of the discovery originally sought and any response  
11 to it.” Local R. 26-7(b).

12 4. Cobalt’s requests at issue in Cobalt’s forthcoming motion to compel are 24 pages  
13 long. Switch’s responses are 60 pages long. Including the full text of these requests and  
14 responses in Cobalt’s motion to compel would cause the motion to compel to greatly exceed the  
15 24-page limit. There is no way for Cobalt both to comply with Local Rule 26-7(b) and to comply  
16 with Local Rule 7-3(b)’s page limit requirement. For this reason, Cobalt seeks permission from  
17 the Court either (1) to exceed the page limit by 84 pages (thereby allowing Cobalt to set forth in  
18 full, in the motion to compel, the text of the requests and responses) or (2) to attach to Cobalt’s  
19 motion to compel Cobalt’s requests and Switch’s responses, rather than setting them forth in the  
20 motion to compel itself.

21 I declare under penalty of perjury under the laws of the United States of America that the  
22 foregoing is true and correct.

23 Executed on this 13th day of April, 2018, at Las Vegas, Nevada.

24  
25 s/ I. Scott Bogatz

26 I. Scott Bogatz  
27  
28